

Motion Sequence #1

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: IAS PART 53**

**Index No.: 160631/2018**

**SCORPION FITNESS INC. and  
SCORPION CLUB VENTURES, LLC,**

**Plaintiffs,**

**-against-**

**220 FIFTH REALTY LLC,**

**Defendant.**

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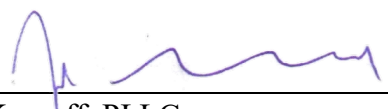
**NOTICE OF ENTRY OF DECISION AND ORDER**

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**KOSSOFF, PLLC  
Attorneys for Defendant  
217 Broadway, Suite 401  
New York, New York 10007  
Tel.: (212) 267-6364**

**PLEASE TAKE NOTICE**, the within is a true copy of the Decision and Order of the Hon.  
Andrew Borrok, J.S.C. issued and entered in the office of the Clerk of the within named Court on  
February 4, 2019.

Dated: New York, New York  
February 4, 2019



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# SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: HON. ANDREW BORROK

PART

IAS MOTION 53EFM

*Justice*

-----X

SCORPION FITNESS INC, SCORPION CLUB VENTURES, LLC,

Plaintiff,

- v -

220 FIFTH REALTY LLC,

Defendant.

INDEX NO.

160631/2018

MOTION DATE

11/15/2018

MOTION SEQ. NO.

001

## DECISION AND ORDER

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50

were read on this motion to/for

INJUNCTION/RESTRAINING ORDER

Upon the foregoing documents, it is ordered plaintiffs' motion for a Yellowstone Injunction is granted subject to the following:

- (1) Plaintiffs will clear or bond all mechanics' liens that may currently be filed on the property on account of plaintiffs' work on the property;
- (2) Plaintiffs will remove the barricade of the fire door immediately, if the fire door is barricaded, and to the extent that there is a violation, clear it within 45 days or show that he is diligently pursuing same to completion; and
- (3) Plaintiffs will deposit the outstanding rent, including rent for the months of December 2018, and January -- February 2019, with Defendant's attorneys in escrow within 45 days of this Order; and on the further condition that, commencing on March 1, 2019, during the pendency of this action, Plaintiffs pay base rent and additional rent due under the Lease between the parties on or before the 10th of the month, *pendente lite*.

Parties will appear for preliminary conference in Part 53, Rm 238, 60 Centre, on 3/21/19 at 11:30 A.M.

This constitutes the Decision and Order of the Court.

2/4/2019

DATE

CHECK ONE:

☐

CASE DISPOSED

☒

GRANTED

☐

DENIED

☐

SETTLE ORDER

☒

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

SUBMIT ORDER

☐

OTHER

APPLICATION:

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE